

REMARKS

Claims 1-2, 4-17 and 19-21 are pending in the present application. Claims 1-21 have been rejected. Claims 3 and 18 have been cancelled without prejudice or disclaimer of the subject matter contained therein and claims 1 and 16 are independent. Reconsideration in view of the following arguments is kindly requested.

Drawings

Applicant thanks the Examiner for pointing out the minor discrepancy in Fig. 2. In accordance with the Examiner's suggestion, Applicant has corrected the minor informalities of indicators 3-4 by amending Fig. 2, a copy of which is attached hereto. Withdrawal of this rejection and entry of the changes are kindly requested.

Specification

In accordance with the Examiner's suggestion, Applicant has amended the Abstract by removing the legal phraseology (i.e., remove "said" and replace with "the"). Accordingly, Applicant submits that the objection to the Abstract be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 6-7, 14-18 and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaylor et al. (US Publication No. 2004/0078219) in view of Kreiser et al. (US Publication No. 2004/0092843). This rejection is respectfully traversed.

Applicant agrees with the Examiner that Kaylor fails to teach or disclose a display device arranged on a holding device. However, Applicant disagrees that the alleged combination of Kaylor and Kreiser teach all the claim limitations of claim 1 as amended. For example, as amended, claim 1 now recites a holding device... and a data evaluation device integrated into the holding device. At least such a feature is not taught or suggested by Kaylor and Kreiser (even assuming *arguendo* that they could be combined, which Applicant does not admit).

Kaylor discloses a healthcare network device that uses biosensors for measuring health related parameters, for example, parameters related to pregnancy, heart disease or the presence of a pharmaceutical agent. Fig. 2 of Kaylor discloses a biosensor 20 which interacts with a subject 22 to yield and analyte measurement 60, which may then be displayed and interpreted by a personal data control means 24. The Examiner alleges that Kaylor discloses:

“a holding device for supporting the microneedle array (an article of clothing as described in [0036], [0277] and [0310]), a data recording device connected to the microneedle array for recording data obtained from the microneedle array biosensor (20) itself records the data and arrives at analyte measurement in (60)”.

Applicant submits that nowhere does Kaylor teach or disclose a data evaluation device integrated into the holding device, as now recited in amended claim 1. The teachings of Kaylor are limited to biosensors associated with articles of clothing (e.g., hats, socks, gloves) or objects that can be in contact with or near the body. See [0036] of Kaylor. Again, nowhere does Kaylor teach or disclose a data evaluation device integrated into the holding device, as now recited in amended claim 1.

Applicant submits that Kreiser fails to provide any additional support for the shortcomings of Kaylor. Kreiser discloses a device used for obtaining a sample of blood from the scalp of a fetus for measuring the pH of the blood sample. Fig. 1 of Kreiser discloses a surgical glove 102 connect to a pH meter 132 via a connector 13. Applicant submits that the pH meter 132 is external to the glove 102, and thus is not the same as a data evaluation device integrated into the holding device, as now recited in amended claim 1. Thus, even assuming *arguendo* that Kreiser could be combined with Kaylor, which Applicant does not admit, Kreiser would still fail to make up for the previously mentioned deficiencies of Kaylor.

Accordingly, Applicant submits that claim 1 and those claims dependent thereon are allowable over the prior art. Withdrawal of this rejection is kindly requested.

Regarding claim 16, Applicant submits that for somewhat similar reasons as stated above with regard to claim 1, claim 16 and those claims dependent thereon are also allowable over the prior art. Withdrawal of this rejection is also kindly requested (although claim 16 should be interpreted solely by limitations presented therein).

Applicant further submits that there is no motivation or suggestion to combine Kaylor with Kreiser.

Kaylor discloses a healthcare network operated by obtaining feedback from biosensors in an effort to share health information across a network. Conversely, Kreiser discloses a hand-mounted device for obtaining a sample of blood from the scalp of a fetus, and for measuring the pH of the blood sample. Nowhere does Kaylor suggest or disclose any evidence of a desirability or suggestion to combine the hand-mounted blood sampling device of Kreiser with the healthcare network of Kaylor.

Relying on common knowledge or common sense of a person of ordinary skill in the art without any specific hint or suggestion of this in a particular reference is not a proper standard for reaching the conclusion of obviousness. See *In re Sang Lee*, 61 USPQ 2d 1430 (Fed. Cir. 2002). Further, relying on obvious design choice as a reason for combining teachings of the various references is again not the proper standard for obviousness. If the Examiner is relying on personal knowledge to support a finding of what is known in the art, the Examiner must provide an Affidavit or Declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2) and MPEP 2144.03(c). Accordingly, Applicant respectfully challenges the Examiner's alleged motivation and respectfully require the Examiner to withdraw the rejection or provide an Affidavit or Declaration as set forth above if the rejection is to be maintained.

Thus, withdrawal of the outstanding rejection is respectfully requested.

Accordingly, Applicant submits that for at least this additional reason, claim 1 and those claims dependent thereon are allowable over the prior art. Withdrawal of this rejection is kindly requested.

Claims 4-5, 8-13 and 19-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaylor in view of Kreiser and further in view of Olson (US Publication No. 2003/0009113). This rejection is respectfully traversed.

Applicant submits for similar reasons as stated above with regard to claims 1 and 16, that claims 4-5, 8-13 and 19-20 are also allowable over the prior art. Olson does not make up for the previously mentioned deficiencies of claims 1 and 16 set forth above, and thus does not render these dependent claims as obvious (even assuming *arguendo* that it could be combined with one or more of Kaylor and Kreiser). Withdrawal of this rejection is kindly requested.

CONCLUSION

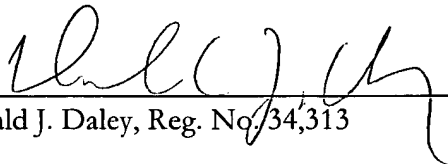
Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-2, 4-17 and 19-21 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figure 2. This sheet, which includes Figures 1-4, replaces the original sheet including Figures 1-4.

Attachment: Replacement Sheet

Annotated Marked-up Drawing

1/1

